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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA

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9 ANTONIO SULLIVAN,) No. CV-F-02-6454 REC/SMS HC
10)
11 Petitioner,) ORDER GRANTING PETITIONER'S
12 vs.) MOTIONS FOR RECONSIDERATION
13) (Docs. 36 & 38), VACATING
14 MIKE YARBOROUGH,) ORDER (Doc. 32) AND JUDGMENT
15 Respondent.) (Doc. 33), DIRECTING CLERK
16 _____) TO CHANGE PETITIONER'S
) ADDRESS ON DOCKET AND RE-
) SERVE FINDINGS AND
) RECOMMENDATION (Doc. 30)
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Petitioner has moved the court to reconsider its Order
denying petitioner's petition for writ of habeas corpus and
vacate the judgment entered for respondent on July 14, 2005.
Petitioner contends that he was not served with the Findings and
Recommendation filed by the Magistrate Judge on May 27, 2005 and,
therefore, did not have the opportunity to file objections to the
recommendation. The court's Order denying the petition noted
that petitioner was properly served with the Findings and
Recommendation even though service was returned by the Post

1 Office as undeliverable because petitioner had not filed a change
2 of address with the court.

3 In seeking reconsideration, petitioner contends that he
4 mailed a notice of change of address to the court on February 28,
5 2005. Petitioner submits a log from the prison establishing that
6 he mailed a pleading to this court on February 28, 2005.
7 However, no pleading from petitioner has been filed with this
8 court since 2004.

9 The court concludes that petitioner did attempt to file a
10 notice of change of address with this court in February 2005 and
11 that the notice of change of address was either lost in the mail
12 or during processing by the Clerk's Office. Consequently, the
13 court grants petitioner's motions for reconsideration and will
14 grant petitioner leave to file objections to the Findings and
15 Recommendation.

16 ACCORDINGLY:

17 1. The Order denying petitioner's petition for writ of
18 habeas corpus filed on July 14, 2005 and the judgment for
19 respondent entered on July 14, 2005 are vacated.

20 2. The Clerk of the Court is directed to change
21 petitioner's address on the docket to:

22 Antonio Sullivan
23 P-85032
24 P.O. Box 4000 3-130
25 Vacaville, CA 95696-4000

26 3. The Clerk of the Court is directed to re-serve the
Findings and Recommendation filed on May 27, 2005 on petitioner

1 at the above address.

2 IT IS SO ORDERED.

3 **Dated:** August 22, 2005
4 668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE

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